

Daniel C. Girard (State Bar No. 114826)
dgc@girardgibbs.com
Jonathan K. Levine (State Bar No. 220289)
jkl@girardgibbs.com
Aaron M. Sheanin (State Bar No. 214472)
ams@girardgibbs.com
Christina H. C. Sharp (State Bar No. 245869)
chc@girardgibbs.com
GIRARD GIBBS LLP
601 California Street, Suite 1400
San Francisco, CA 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

Counsel for the Sitrin Group

UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

RICHARD S. BONDAR, as Trustee of the
Bondar Family Trust Dated 4/1/91, Individually
And On Behalf of All Others Similarly Situated,

Plaintiff,

v.

BANK OF AMERICA CORPORATION, BANC
OF AMERICA INVESTMENT SERVICES,
INC., and BANC OF AMERICA SECURITIES,
LLC,

Defendants.

Case No. CV-08-2599 (JSW)

STIPULATION AND [PROPOSED] ORDER CONTINUING RULE 26 AND ADR DEADLINES, AND CONTINUING CASE MANAGEMENT CONFERENCE

1 WHEREAS Orders issued in this case establish the following deadlines:

2 (1) August 15, 2008 – Last day to meet and confer regarding initial disclosures, early
3 settlement, ADR process selection and a discovery plan, and to file Joint ADR Certification with
4 Stipulation to ADR Process or Notice of Need for ADR Phone Conference pursuant to Civil Local Rule
5 16-8,

6 (2) August 29, 2008 – Last day to file Rule 26(f) Report, and

7 (3) September 5, 2008 at 1:30 p.m. – Initial Case Management Conference;

8 WHEREAS pursuant to Fed. R. Civ. P. 26(f)(2), the parties have begun the meet and confer
9 process regarding preservation of discoverable information including electronically stored information
10 (“ESI”), the parties have tentatively agreed on a form of production protocol for ESI and will continue to
11 meet and confer concerning ESI preservation and production issues;

12 WHEREAS this class action is subject to a pending Motion to Transfer for Coordination before
13 the Judicial Panel on Multi-District Litigation (“JPML”) (*In re Auction Rate Securities (ARS) Marketing*
14 *Litigation*, MDL No. 1979);

15 WHEREAS good cause exists to modify the schedule for the parties’ ADR and remaining Rule
16 26 obligations, and to continue the Initial Case Management Conference, as a decision by the JPML on
17 the pending Motion to Transfer for Coordination could impact these proceedings,

19 NOW, THEREFORE, the parties stipulate as follows:

20 (1) The parties’ last day to fulfill their remaining Rule 26 obligations, file their ADR
21 Certification and Stipulation and file their Rule 26(f) Report shall be continued, pending the JPML’s
22 determination on the Motion to Transfer for Coordination;

23 (2) The Initial Case Management Conference shall be continued, pending the JPML’s
24 determination on the Motion to Transfer for Coordination; and

25 (3) The parties shall notify the Court when the JPML has rendered a ruling on the Motion to
26 Transfer for Coordination. If the JPML denies the Motion to Transfer for Coordination, the parties
27 shall:

(a) Fulfill their remaining Rule 26 obligations and file their ADR Certification and Stipulation at least 21 days prior to the Initial Case Management Conference,

(b) File their Rule 26(f) Report no later than 14 days after fulfillment of their remaining Rule 26 obligations, and

(c) File a joint case management statement no later than five court days prior to the Initial Case Management Conference. A case management conference shall be set by Clerk's Notice upon receipt of the notice of the ruling by the JPML.

DATED: August 15, 2008

GIRARD GIBBS LLP

Daniel C. Girard
Jonathan K. Levine
Aaron M. Sheanin
Christina H.C. Sharp
601 California Street, 14th Floor
San Francisco, CA 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846

Lead Counsel for the Class

DATED: August 15, 2008

O'MELVENY & MYERS LLP

By: Anna M. Wright

Debra S. Belaga
Aaron M. Rofkahr
Embarcadero Center West
275 Battery Street
San Francisco, CA 94111-3305
Telephone: (415) 984-8700
Facsimile: (415) 984-8701

Counsel for Defendants

[PROPOSED] ORDER

Upon reviewing the above Stipulation, and good cause appearing, IT IS HEREBY ORDERED
that:

(1) The parties' last day to fulfill their remaining Rule 26 obligations, file their ADR Certification and Stipulation and file their Rule 26(f) Report shall be continued, pending the JPML's determination on the Motion to Transfer for Coordination;

(2) The Initial Case Management Conference shall be continued, pending the JPML's determination on the Motion to Transfer for Coordination; and

(3) The parties shall notify the Court when the JPML has rendered a ruling on the Motion to Transfer for Coordination. If the JPML denies the Motion to Transfer for Coordination, the parties shall:

(a) Fulfill their remaining Rule 26 obligations and file their ADR Certification and Stipulation at least 21 days prior to the Initial Case Management Conference,

(b) File their Rule 26(f) Report no later than 14 days after fulfillment of their remaining Rule 26 obligations, and

(c) File a joint case management statement no later than five court days prior to the Initial Case Management Conference. A case management conference shall be set by Clerk's Notice upon receipt of the notice of the ruling by the JPML.

DATED: _____

THE HONORABLE JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

I, Christina H. C. Sharp, hereby certify that on August 15, 2008, I caused the foregoing document to be filed electronically with the United States District Court for the Northern District of California's through the Court's mandated ECF service. Counsel of record are required by the Court to be registered e-filers, and as such are automatically e-served with a copy of the document(s) upon confirmation of e-filing.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 15th day of August, 2008 at San Francisco, California.

/S/ Christina H. C. Sharp